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COPY

FASCIMILE COVER SHEET

DATE: March 26, 2004

Number of Pages: 10
(including Cover Sheet)

To: Examiner Brian E. Hearn
Fax Number: 703-305-4257
Phone Number: 703-305-1820

APPLICANT: Overbeck et al.
SERIAL NO: 09/079,324
FILING DATE: May 14, 1998
(Erroneously Converted to 60/183,021)

COMMENTS:

Examiner Hearn,

This is pursuant to your telephone call of March 23, 2004, regarding the above-identified application. As I mentioned in my yesterday's v-mail, we filed the Response to the Restriction Requirement on April 17, 2000. Therefore, the above-identified application is pending.

I am enclosing copies of the documents filed on April 17, 2000, including a copy of the return postcard stamped by the US PTO.

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the enclosed total of 10 pages including cover sheet is being facsimile transmitted to the fax number shown above, in the above-referenced application, to the Patent and Trademark Office on the date shown below.

Typed or Printed Name of Person: Ivan D. Zitkovsky, Reg. No. 37,482

Date: March 26, 2004

Signing Certification

Ivan D. Zitkovsky

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Overbeck et al. Examiner: L. Le
Serial No.: 09/079,324 Art Unit: 1743
Filed: May 14, 1998
For: DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING
ORDERED ARRAYS, TECHNIQUES OF DEPOSITED ARRAYS

CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that the enclosed total of 10 pages including cover sheet is being facsimile transmitted to the fax number 703-305-4257, in the above-referenced application, to the Patent and Trademark Office on the date shown below.

Typed or Printed Name of Person: Ivan D. Zitkovsky, Reg. No. 37,482

Date: March 26, 2004

Signing Certification

**TRANSMITTAL OF PREVIOUSLY FILED DOCUMENTS**

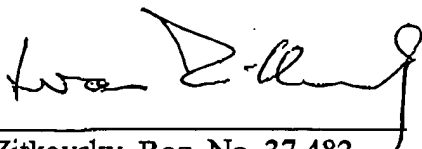
This submission is pursuant to a telephone inquiry by Examiner Hern regarding the above-identified application. On April 17, 2000, the undersigned (that time employed by the law firm Wolf Greenfield and Sacks) filed a Response to the Restriction Requirement issued on January 18, 2000.

Enclosed are copies of the documents filed with the US PTO on April 17, 2000, including the copies of the following:

- Response to the Restriction Requirement of January 18, 2000
- Petition for Two Month Extension of Time, to and including April 18, 2000
- Revocation of Prior Power of Attorney and New Power of Attorney
- Return Receipt Postcard stamped by the US PTO "April 17, 2000"
- Express Mail Receipt dated April 17, 2000

Please charge any underpayment or credit any overpayment to Deposit Account 01-0431.

Respectfully submitted,



Ivan D. Zitkovsky, Reg. No. 37,482
6 Freeman Circle
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Fax +781-274-6696

COPY

Serial No. 09/079,324 File No. A0749/7004 By: 102/15

Title: deposit fluid specimens on substrates, resulting in

Application of Overbeck et al. WGS Date: 4/17/00

The U.S. PTO Mail Room acknowledges receipt of the following on the date stamped hereon:

<input checked="" type="checkbox"/> Mailing by Express Mail (37 CFR 1.10)	<input type="checkbox"/> Provisional Application Cover Sheet
Express Mail Label No. <u>EL583586103US</u>	<input type="checkbox"/> Multiple Dependent Claim Fee Sheet
<input type="checkbox"/> Patent Application	<input type="checkbox"/> Inf. Discl. Statement, PTO Form 1449
<input type="checkbox"/> Non-provisional <input type="checkbox"/> Provisional	<input type="checkbox"/> References Cited
Incl. <u> </u> pages, (<u> </u> pgs) Specification,	<input type="checkbox"/> Priority Document(s) # <u> </u>
(<u> </u> pgs) Abstract, (<u> </u> pgs) Claims (<u> </u> claims)	<input type="checkbox"/> Copy of Notice to File Missing Parts
<input type="checkbox"/> Design Patent Application	<input type="checkbox"/> Amendment/Response
Declaration(s) <u> </u>	<input type="checkbox"/> Petition for Ext. of Time (x2)
Drawings <u> </u> Sheet(s) (FIGS. <u> </u>)	<input type="checkbox"/> Issue Fee Transmittal
<input type="checkbox"/> Formal <input type="checkbox"/> Informal	<input type="checkbox"/> Letter to Official Draftsperson
<input type="checkbox"/> Utility Patent Application Transmittal	<input type="checkbox"/> Notice of Appeal
Fee calculation sheet (x2)	<input type="checkbox"/> Brief (x3)
CPA Transmittal	<input type="checkbox"/> Check for \$ <u>190</u> Check # <u>537</u>
Verified Statement claiming small entity status	<input type="checkbox"/> Transmittal Letter (x2)
Assignment and Cover Sheet	<input type="checkbox"/> Cert. of Mailing under 37 CFR 1.8(a)

☒ Other 1) Response to Examination Requirement

2) Return Postage

3) Cancellation of Prior Pat

DATE MAILED 4/17/00 **EL583586103US**

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Express Mail Label No.: EL583586103US
Date of Deposit: April 17, 2000

ATTORNEY'S DOCKET NO: A0749/7004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Overbeck et al.
Serial No.: 09/079,324
Filed: May 14, 1998
For: DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING
ORDERED ARRAYS, TECHNIQUES OF DEPOSITED ARRAYS

Examiner: L. Le
Art Unit: 1743

COPY

Assistant Commissioner for Patents
Washington, D. C. 20231

Transmitted herewith is/are the following document(s):

- ☒ Response to Restriction Requirement
- ☒ Petition for Two Month Extension of Time, to and including April 18, 2000
- ☒ Revocation of Prior Power of Attorney and New Power of Attorney
- ☒ Return Receipt Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617)720-3500, Boston, Massachusetts.

A check in the amount of \$190 is enclosed. Please charge any underpayment or credit any overpayment to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,



Ivan D. Zitkovsky, Reg. No. 37,482
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone No. (617) 720-3500
Attorneys for Applicants

Docket No.: A0749/7004
Dated: April 17, 2000
xApril 18, 2000

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Express Mail Label No.: EL583586103US
Date of Deposit: April 17, 2000

ATTORNEY'S DOCKET NO: A0749/7004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Overbeck et al.
Serial No.: 09/079,324
Filed: May 14, 1998
For: DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING
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Examiner: L. Le
Art Unit: 1743

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Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

RESPONSE

Sir:

In response to the Restriction Requirement mailed January 18, 2000, the Applicants elect for further prosecution Group XII, claims 102-104, with traverse. Group XII was identified by the Examiner as "drawn to an aliquot carrier." The traversal is made on the grounds that several groups were classified in class 222 and it is believed that the corresponding claims can be searched and examined without undue burden on the Examiner.

Respectfully submitted,


Ivan D. Zitkovsky, Reg. No. 37,482
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone No. (617) 720-3500
Attorneys for Applicants

Docket No.: A0749/7004
Dated: April 17, 2000
xApril 18, 2000

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Express Mail Label No.: EL583586103US
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Overbeck et al.
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ORDERED ARRAYS, TECHNIQUES OF DEPOSITED ARRAYS

Examiner: L. Le
Art Unit: 1743

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

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PETITION FOR TWO MONTH EXTENSION OF TIME

Sir:

A two month extension of time, to and including April 18, 2000, is requested for response to the Examiner's action mailed January 18, 2000.

The check in the amount of \$190 is enclosed to cover the extension fee. If the amount is insufficient, please charge our deposit account No. 23/2825. A duplicate of this Petition is enclosed.

Respectfully submitted,



Ivan D. Zitkovsky, Reg. No. 37,482
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
Telephone No. (617) 720-3500
Attorneys for Applicants

Docket No.: A0749/7004
Dated: April 17, 2000
xApril 18, 2000

COPY

Attorney's Docket No.: 09604-012001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : James W. Overbeck et al. Art Unit : 1743
 Serial No. : 09/079,324 Examiner : Le, L.
 Filed : May 14, 1998
 Title : DEPOSITING FLUID SPECIMENS ON SUBSTRATES, RESULTING
 ORDERED ARRAYS, TECHNIQUES FOR ANALYSIS OF DEPOSITED
 ARRAYS

Assistant Commissioner for Patents
 Washington, D.C. 20231

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REVOCATION AND NEW POWER OF ATTORNEY

Under 37 CFR §3.73(b) GENETIC MICROSYSTEMS, INC., Taxpayer I.D. No. ~~77-0532057~~, a Massachusetts corporation (a wholly owned subsidiary of Affymetrix, Inc., a Delaware corporation) (referred to elsewhere herein as "new GMS" and as "Owner"), certifies that it is the owner of 100% of the right, title and interest in the patent application identified above by virtue of:

☒ An assignment from the inventors of the patent application identified above to Genetic MicroSystems, Inc., Taxpayer I.D. No. ~~04-3386421~~, a Massachusetts corporation, incorporated (hereinafter referred to as old GMS). The assignment was recorded in the Patent and Trademark Office at Reel 9370, Frame 0891 on August 3, 1998.

☒ Merger of the aforesaid Genetic MicroSystems, Inc. (old GMS), on February 12, 2000, into GMS Acquisition, Inc., a Massachusetts corporation, (a wholly owned subsidiary of Affymetrix, Inc., a Delaware corporation), certificate of merger attached hereto.

☒ Change of name of the aforesaid GMS Acquisition, Inc., to Genetic MicroSystems, Inc. (now GMS), certificate of name change attached hereto.

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

Signature

Typed or Printed Name of Person Signing Certificate

Express Mail Label

No. EL583586103US

Date of Deposit: April 17, 2000

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PAGE 03

781 932 9433

Applicant : James W. Overbeck et al.
Serial No. : 09/079,324
Filed : May 14, 1998
Page : 2

Attorney's Docket No.: 09604-012001

The undersigned has reviewed all of the documents in the chain of title of the patent application identified above and, to the best of undersigned's knowledge and belief, title is in Owner identified above.

The undersigned, whose title is supplied below, is empowered to act on behalf of Owner.

The undersigned, acting on behalf of the Owner, hereby revokes all powers of attorney previously granted in the application and appoints:

Philip L. McGarrigle, Reg. No. 31,395
Vern Norviel, Reg. No. 32,483
Wei Zhou, Reg. No. 44,419
Ellen Gonzales, Reg. No. 44,128
AFFYMETRIX, INC.
3380 Central Expressway
Santa Clara, CA 95051

Joseph Liebeschuetz, Reg. No. 37,505
William M. Smith, Reg. No. 30,223
TOWNSEND AND TOWNSEND AND CREW LLP
379 Lytton Avenue
Palo Alto, CA 94301-1431

Pamela I. Banner, Reg. No. 33,644
Kevin Wolff, Reg. No. 42,233
John Iwanicki, Reg. No. 34,628
BANNER & WITCOFF, LTD.
1001 G Street, N.W.
Washington, DC 20001-4597

Ivan D. Zitkovsky, Reg. 37,482
Wolf, Greenfield & Sacks, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210

with full power of substitution and revocation, to prosecute the application and to transact all business in the United States Patent and Trademark Office connected therewith.

All correspondence regarding the application should be sent to JEAN J. MONTAGU
at:

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APR 17 2004 11:46

PAGE 04

781 932 9433


Applicant : James W. Overbeck et al.
Serial No. : 09/079,324
Filed : May 14, 1998
Page : 3

Attorney's Docket No.: 09604-012001

Attn: Legal Department
Genetic MicroSystems, Inc.
34 Commerce Way
Woburn, MA 01801

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

Respectfully submitted,
Genetic MicroSystems, Inc. (new GMS)

Date: 4/17/00
Stanley D. RoseTitle: VP. GM

Ivan D. Zitkovsky
Wolf, Greenfield & Sacks, P.C.
Federal Reserve Plaza
600 Atlantic Avenue
Boston, MA 02210
Telephone: (617) 720-3500
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